

C. DUKES SCOTT  
EXECUTIVE DIRECTOR

1441 Main Street, Suite 300  
Columbia, SC 29201



DAN E. ARNETT  
CHIEF OF STAFF

Phone: (803) 737-0800  
Fax: (803) 737-0801

[nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)

*Nanette S. Edwards*  
*Chief Counsel and Director of Legal Services*

**VIA ELECTRONIC FILING**

May 30, 2008

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, SC 29210

Re: ORS Comments to the Commission's Proposed Changes to Article 8  
**Docket No. 2007-445-A**

Dear Mr. Terreni:

The Commission issued Proposed Regulations on April 11, 2008. The Office of Regulatory Staff ("ORS") hereby files its Comments concerning the proposed additions or amendments to Article 8. Specifically, the Commission requested comments with regard to the following:

1. **Computation of Time Amended to Clarify That This Regulation Does Not Apply to Petitions for Reconsideration or Rehearing (Regulation 103-831)**

ORS has no objection to the proposed change.

2. **Electronic Service of Pleadings Between Parties in a Docket (Regulation 103-830.1)**

ORS has no objection to the proposed change.

3. **Emergency Procedures Amended to Add the Commission Staff (Regulation 103-859)**

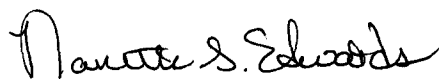
"Commission Staff" should not be added to subsections (A) and (B) of this regulation. 26 S.C. Code Ann. Reg. 103-859 currently provides emergency procedures in the event ORS initiates an action against a utility that is planning to violate or has violated the Commission's Rules and Regulations concerning disconnection of a customer's service.

ORS is mandated by statute to enforce, execute and administer the statutes and regulations governing or restricting the utilities. (S.C. Code Ann. §§ 58-9-820; 58-23-590; and 58-27-220). To the extent Commission Staff undertakes to initiate an action against a utility the Commission is no longer reviewing the dispute in an impartial manner. Furthermore, a communication between a Commission employee and a customer or utility representative which leads to the commencement of such an action would be ex parte. (S.C. Code Ann. § 58-3-260(B) prohibits communications between a commission employee and any person regarding any issue that can reasonably be expected to come before the Commission without notice and opportunity for all parties to participate).

2004 S.C. Acts 175 assigned the duties of investigation and enforcement to ORS and assigned to the Commission the duty of rendering a decision based on the merits of the matter brought before the Commission. Adding Commission Staff to this regulation does not maintain the division of responsibilities in keeping with Act 175. (S.C. Code Ann. §58-3-60(A) prohibits commission staff from appearing as a party in commission proceedings and from offering testimony on issues before the commission).

The changes brought about by Act 175 clearly charge ORS with the duty and responsibility to investigate complaints affecting the public interest and to prosecute an action against a utility that is failing or omitting to do anything required of it by law. (S.C. Code Ann. §§ 58-4-50(A)(5); 58-9-770; 58-27-70; 58-27-210; 58-5-950; and 58-5-1040).

Very truly yours,

A handwritten signature in cursive script, reading "Nanette S. Edwards".

Nanette S. Edwards